

Board of Mayor and Aldermen
Regular Meeting, Nolensville Elementary School
Thursday, September 1, 2005, 7:00 p.m.

Mayor Charles Knapper opened the meeting at 7:01 p.m. Members present were Mayor Knapper, Aldermen Jimmy Alexander, Joe Curtsinger, Tommy Dugger, and Larry Felts. Counsel Robert Notestine, Town Planner Henry Laird, and Recorder Cindy Lancaster. Town Engineer Rich Woodroof was absent. There were 35 citizens present.

Mayor Knapper announced that Agenda item #9, the public hearing of ordinance #05-17, to amend the zoning map to rezone property currently Village (V) to Village Fringe (VF) would be withdrawn.

Mr. Willis Wells led the prayer and pledge.

Mayor Knapper then asked if there were any citizens that had comments.

Mr. Matt Happel, Sam Donald Road, stated that during the initial plans of a development adjacent homeowners are to be notified. There should be some type of buffer between the development and homeowner. Counsel Notestine stated that adjacent property owners do not have to be notified. Mr. Happel said the developer should notify the homeowners.

Mr. Jerry Lawson, who had signed up, stated he had no comment.

Mr. Grady Shotwell 2356 Rocky Fork Road, spoke on the devastation in New Orleans. He relayed to the Board that he would like to see a fund set up, if one has not already be initiated, for these victims.

Mr. Happel, returned to the podium and noted that he was on the Sunset Elementary School Playground Committee. He requested from the Board a donation to the School Playground. The Mayor stated that \$4,000 had been allocated to the school in this fiscal year budget. He was instructed to have the school request the funding from town hall in writing. Mr. Happel thanked the board.

Ms. Cindy Arnold, stated that she had a quick question in regards to the blasting. She stated that for the past two days it has felt like an earthquake. She asked if the state would be contacting the residents. Mayor Knapper stated that he would contact the state.

There was no further citizen input.

Alderman Dugger made a motion to approve the minutes from August 4, and August 23, 2005, Alderman Curtsinger seconded. The minutes were approved unanimously.

Recorder Lancaster noted that general fund cash on hand \$784,263.36 with cash disbursements of \$95,000. She noted this was due to three payrolls in August and the \$20,000 police car payment. She further noted State Street Aid Cash on hand being \$53,110.57, with total cash on hand being \$837,373.93.

Mr. Willis Wells Planning Commission Member reported the following:

- Britain Plaza was approved.
- Yorkshire development was deferred.

- McCanless asked for a variance. This was approved.
- Street trees were discussed and Engineer is to have a drawing prepared.
- Cul-de-sac radius was discussed. Fire Chief will report back with input.
- Annexation ordinance to amend the zoning map was prepared by Henry Laird.
- Open space criteria recommendations were accepted.
- Land Use Policy was accepted.
- Bond for McFarlin Phase I & II was called.

Betty Friedlander reported for the Historic Commission:

- Noted this Commission has not met.
- An administrative decision had been made.

Chief Presley Hughes reported for the Nolensville Volunteer Fire Department.

- September 23 – 25 will be a FEMA disaster exercise.
- Fire Protection Week will be October 9 – 15.
- NFPA passed sprinkler requirement in one and two family dwellings. This will affect the Life Safety Code 101 adopted by the town.

Mayor Knapper reported for the Codes Department.

- Due to Mr. Woodroof's absence, there was no report.

Officer David Heldstrom reported for the Police Department.

- Officer Heldstrom introduced himself.
- Stated a written report was submitted.

Mayor Knapper reported for the Public Works

- Stated a written report was submitted.
- Mr. Shotwell asked who would be cleaning up the tree on Newsome Lane from the storm. Mayor Knapper stated this would be reviewed.

Mayor Knapper's report:

Mayor Knapper noted that the "Joe Rossi" Road Memorial ceremony was held on Saturday.

Henry Laird, Rich Woodroof, Bill Terry and Don Swartz reviewed the Major Transportation Plan and comments were made. It was given back to the consultant. The new draft has been submitted and any comments from the board should be given to Mayor Knapper prior to the next Planning Commission meeting.

Mayor Knapper showed a map noting that he has been informed that some property owners have requested a friendly annexation. Staff has begun on this process. There are a couple of properties in between that the town may be asking if they would like to be annexed. Mayor Knapper noted that this is a formal announcement. Alderman Alexander asked if there was sewer connection down Kidd Road. Mayor Knapper stated that he just received word that sewer would be available.

Mayor Knapper noted that a letter did go out to the newly annexed area residents.

Mayor Knapper stated that the public hearing for ordinance 05-17, an ordinance to amend the zoning map of Nolensville, to rezone property currently Village (V) to Village Fringe (VF) had been postponed at this time.

Public hearing for Ordinance #05-21, an ordinance to amend the zoning ordinance 04-09, to approve a concept plan for a Planned Unit Development Overlay known as the Reserve at Bent Creek opened at 7:34. Counsel Notestine noted that this process is required by law and the floor was opened for public input.

Mrs. Jackie Hicklin, 2408 Rocky Fork Road, stated that with five subdivisions being built the town is now saturated.

Mr. Eric McNeely, with Cates-Kottas Development, stated that he has met with Mr. Happle to discuss his concerns. He noted that he had come before the Planning Commission for this development. He further stated that he could have gone to the county for approval, although came to the Town of Nolensville.

Mrs. Cindy Arnold, Dortch Lane, stated she understands they could have gone to the county, but she would like to see regular subdivisions and no PUD's.

Alderman Dugger asked if Mr. McNeely would have comments in regards to Mr. Happle's property in regards to the buffering by next month? Alderman Alexander noted that there was discussion in regards to connecting to Bent Creek and it was stated that this would be documented. Has this been done? Mr. McNeely stated that his development is willing to make this commitment. He noted that it would be in the minutes and it will be in the Kellick paperwork. Alderman Alexander ask that it be put on the map in addition to being in the minutes. Counsel Notestine stated that it could be written on the plat. Alderman Alexander stated that he would like to see a drawing with this submitted by Mr. McNeely's company. Alderman Curtsinger stated that this is a serious matter and should have a map showing this.

The public hearing closed at 7:40.

Second reading of ordinance 05-16 an ordinance to amend the zoning ordinance 04-09 in regards to Urban Residential zoning district in order to improve upon the objectives of this district. Alderman Alexander went over this ordinance at length. He noted that if someone requested an overlay it would have to go to the Planning Commission and then before the Board of Mayor and Aldermen. This ordinance gives much more control. Alderman Dugger stated that at first he was leery of this ordinance, although he is more comfortable currently. Alderman Dugger made a motion to amend by changing the following, "The maximum density for single family detached housing is 4 units/acre with a minimum lot size of **8,000** square feet. The maximum density for attached housing is **4** units/acre." Alderman Felts seconded and this amendment was approved unanimously. Alderman Dugger then asked for clarification in regards to the current UR zone. Counsel Notestine stated that this ordinance eliminates PUD's, but creates a category as URPUD. Alderman Curtsinger stated that he felt it was important that this ordinance go through, because it gives this board control. Alderman Alexander made a motion to approve as amended, Alderman Curtsinger seconded and this ordinance passed on second reading.

Second reading of ordinance 05-18, an ordinance to amend the zoning ordinance 04-09 in regards to the treatment of automotive and other vehicular sales. Counsel Notestine stated that this ordinance is much more comprehensive. Town Planner Henry Laird discussed this

ordinance going over the conditions and changes the board had requested to implement into this ordinance at the last meeting. Counsel Notestine stated that current car lots would be grandfathered. Alderman Dugger made a motion to amend this ordinance with Mr. Laird's recommendations, which are to add the following to Section 2.6.0 Automotive/Vehicular Sales and Service:

- H. All buildings and vehicle loading areas must be located a minimum of 200 feet from any existing residential uses.
- I. Minimum street frontage at 300'.
- K. Minimum building setback at 100' from r-o-w.
- L. Cannot be located on any part of another land use (e.g.; in front of an office or store).

Alderman Curtsinger seconded and this amendment passed unanimously. Mayor Knapper made a motion to approve this ordinance as amended, Alderman Curtsinger seconded and this passed unanimously.

Second reading of ordinance 05-19, an ordinance to amend the zoning ordinance 04-09 in regards to the regulation of food service stands. Counsel Notestine briefly explained this ordinance noting that Town Planner Henry Laird prepared this document. Alderman Dugger asked if anyone had thought of anything making this a stronger ordinance. Alderman Curtsinger stated that the storage of a food stand had not been discussed. Alderman Alexander stated that currently there is one being stored in the town limits and staff is aware of this issue. Alderman Felts made a motion to approve this as read, Alderman Curtsinger seconded and this passed unanimously.

Second reading of ordinance 05-20, an ordinance to amend the zoning ordinance 04-09 in regards to delineating interior parking in Appendix B, and landscaping, buffering and tree protection. Counsel Notestine briefly described this ordinance and Mr. Laird noted that this brings clarity and makes this document more defined. Alderman Felts made a motion to approve this ordinance, Alderman Dugger seconded and this passed unanimously.

First reading of ordinance #05-22, an ordinance to amend the zoning map and text of the zoning ordinance #04-09, to create an annexation buffer overlay. Counsel Notestine noted that this is an important and positive ordinance. This zones the newly annexed area to Suburban Residential (SR). He noted that currently there is an agreement with Brentwood that discusses zoning and this would be an overlay for that area. This ordinance is the result of a lawsuit that was recently heard. Mr. Laird then went over several aspects of this ordinance. Counsel Notestine reiterated that this is the first reading of this ordinance. Mayor Knapper made a motion to approve this ordinance as read, Alderman Felts seconded and this passed unanimously.

First reading of ordinance #05-23, an ordinance to amend the zoning ordinance #04-09, to revise standards for open space for Planned Unit Developments. Counsel Notestine noted this ordinance discusses design and then turned this over to Mr. Laird. Mr. Laird noted that this clarifies standards and has been recommended by the Planning Commission. It makes this clearer and the result is a better open space product. He noted that it stresses preserving the natural features of the site. It restricts the amount of open space that can be counted in the flood plain. He further noted that there are 12 criteria that must be abided. Mayor

Knapper stated that looking through the Planning Commission minutes this was passed unanimously. Alderman Felts stated that instead of passing an ordinance for PUD's we need to pass an ordinance for standard subdivisions. Mayor Knapper noted that he spoke to a developer in the past couple of days discussing a standard subdivision. Counsel Notestine stated that PUD's go to the Planning Commission and then to the Board of Mayor and Aldermen for approval. With a standard subdivision the Planning Commission only approves it. Mayor Knapper stated that he had recently met with Reverend Jones, a resident on York Road. He stated that previously it was mentioned that there are too many subdivisions. We are in America and the town cannot dictate to property owners that they cannot sell their land. Alderman Curtsinger made a motion to approve this ordinance on first reading, Alderman Alexander seconded and this passed unanimously.

Other:

Alderman Curtsinger noted that Clovercroft Road has been closed for almost one month. He asked if the town has any way of enforcing the length of time a road can be closed. Mayor Knapper stated that he would be checking into this road being closed.

Alderman Curtsinger stated that there were no plats to look at with the new road (behind cemetery), there are driveway cuts. This issue needs to be addressed. Further Alderman Curtsinger stated an ambulance would have trouble getting through Bent Creek with the road being blocked by automobiles. There needs to be an ordinance for this problem. Mayor Knapper stated that Alderman Curtsinger could prepare an ordinance to address this issue.

Alderman Curtsinger noted that the cuts that were made on Rocky Fork Road are dangerous and this needs to be repaired as soon as possible.

Mr. Shotwell reminded the crowd that the Broken Wheel Festival would be held this weekend.

Mr. Frank Wilson stated that the road cuts that Alderman Curtsinger was discussing are on his property. He stated that he has a signed contract with the developer and those road cuts are in the contract. He further stated that he had a map showing these cuts.

Mayor Knapper adjourned the meeting at 8:15 p.m.

Respectfully submitted,

Cindy Lancaster
Town Recorder

Approved,

Charles F. Knapper
Mayor